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III. REMARKS

Applicants respectfully request that this application be reconsidered in view of the above amendments and the following remarks.

1. Status of the Claims

Claims 1-21 are currently pending in this application. In the above amendments, withdrawn Claims 19 and 21 have been canceled. Accordingly, Claims 1-18 and 20 are now pending for examination on the merits.

2. Summary of the Amendments

Claims 19 and 21, which were previously withdrawn from consideration by the Examiner, have been canceled without prejudice or disclaimer. Applicants specifically reserve the right to file a divisional application directed to the subject matter of these claims during the pendency of this or a related application.

Claim 17 has been amended to delete the phrase "a therapeutically effective amount of."

Claim 18 has been amended to recite that the pharmaceutical composition comprises "a pharmaceutically-acceptable carrier and a cyclodextrin in combination with a compound of Claim 1 or 10". Support for this amendment is found in Claims 17 and 18 as originally filed; and on page 85, lines 08 to 21.

Claim 20 has been amended to specifically claim compounds shown in Table I. Support for this amendment is found, for example, in Table I on pages 16 to 37. Additionally, Claim 20 has been added to correct a typographical error. Specifically, "salts" has been corrected to "salt".

These amendments are being made to more clearly define and distinctly claim the subject matter Applicants' regard as their invention. No new matter is introduced by these amendments.

Pursuant to the Official Gazette Notice dated February 25, 2003, entitled *AMENDMENTS IN A REVISED FORMAT NOW PERMITTED*, Applicants respectfully request that the provisions

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of 37 C.F.R. §1.121 be waived for the present amendments since these amendments are believed to comply with the revised amendment format set forth in the OG announcement.

Entry of these amendments is respectfully requested.

3. Restriction Requirement

Applicants acknowledge that the Examiner has maintained the restriction requirement at the present time. For the reasons of record, Applicants respectfully request that if Claim 1 is found to be patentable, Groups 1-7 be rejoined with Group 8 as suggested in the Office Action.

4. Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 17, 18 and 20 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Specifically, the Examiner has indicated that Claim 17 is allegedly indefinite for reciting the term "therapeutically effective." In response, Applicants have deleted this term from Claim 17. Accordingly, this rejection may be withdrawn.

Additionally, the Examiner has indicated that Claim 18 is allegedly indefinite for requiring a component that is "neither required or suggested by claim 17, upon which claim 18 depends." In response, Claim 18 has been reworded as kindly suggested by the Examiner. Accordingly, this rejection may be withdrawn.

The Examiner has also indicated that Claim 20 is allegedly indefinite "by its reference to tables I, II, III and IV" and by reciting "a pharmaceutically acceptable salts" (i.e., plural "salts" instead of singular "salt"). In response, Applicants have amended Claim 20 to include compounds shown in Table I as suggested by the Examiner. Additionally, the term "salts" has been amended to "salt" as suggested by the Examiner. Accordingly, this rejection may be withdrawn.

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In view of above amendments, Applicants respectfully requested that the rejection of Claims 17, 18 and 20 under 35 U.S.C. §112, second paragraph, be withdrawn.

5. Allowable Subject Matter

Applicants note with appreciation that the Examiner has indicated that Claims 1-16 are allowable.

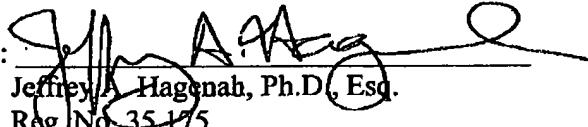
In view of the amendments above, Applicants respectfully submit that this application is now in condition for allowance. Should there be any remaining issues that can be resolved by telephone, the Examiner is respectfully requested to telephone the undersigned attorney at (650) 808-6406.

Respectfully submitted,

THERAVANCE, INC.

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By:


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